

Regular Meeting – P.M.June 20, 2005

A Regular Meeting of the Municipal Council of the City of Kelowna was held in the Council Chamber, 1435 Water Street, Kelowna, B.C., on Monday, June 20, 2005.

Council members in attendance were: Mayor Walter Gray, Councillors A.F. Blanleil, R.D. Cannan, B.A. Clark, C.B. Day*, B.D. Given, R.D. Hobson, E.A. Horning and S.A. Shepherd.

Staff members in attendance were: City Manager, R.A. Born; City Clerk, A.M. Flack; Director of Planning & Corporate Services, R.L. Mattiussi*; Manager of Development Services, A.V. Bruce*; Subdivision Approving Officer, R.G. Shaughnessy*; Director of Works & Utilities, J. Vos*; Manager of Community Planning & Real Estate, D.L. Shipclark*; Fire Chief, G. Zimmermann*; Assistant Fire Chief, R. Blanleil*; Deputy City Clerk, S.C. Fleming; and Council Recording Secretary, B.L. Harder.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 1:35 p.m.

2. Councillor Blanleil was requested to check the minutes of the meeting.

3. PUBLIC IN ATTENDANCE

3.0 Salute to Billy the Clown (William Richard Jennens)

Councillor Cannan, Council liaison to the Kelowna Regatta Association, announced that this year's 100th Regatta Parade will be dedicated to "Billy the Clown", in memory of William Richard (Billy the Clown) Jennens who recently passed away and who was a regular participant in Kelowna's special events.

Carol Miller, drew Council's attention to a display of photos and newspaper clippings of William Jennens.

Merry Pockets, dressed in clown costume, read the news release that also invited clowns of all ages to dress in costume and participate in this year's parade.

3.1 Joe Sardinha, President and Pierre Calissi, Vice-President, BC Fruit Growers' Association re: Sterile Insect Release (SIR) Program

Joe Sardinha, President, BC Fruit Growers' Association:

- Updated Council on current issues in the tree fruit industry.
- Encouraged Council to continue with the SIR program for 2 more years in order that this area can see the benefits of the program which takes 5 years to produce results.

Councillor Day, Regional District of Central Okanagan representative on the SIR Board:

- July 15th the Chairs and Administrators of the five Regional Districts will be meeting to discuss the SIR program beyond 2005 which is the timeframe for when a new deal has to be agreed upon and a new plan developed.

3.2 Fire Chief Retiring – Appointment of Replacement

Staff:

- Announced that Fire Chief Gerry Zimmermann is retiring effective January 2, 2006 after a long, dedicated career with the City since 1973, and as Fire Chief since 1990.
- Introduced Assistant Chief Rene Blanleil who will be the new Fire Chief for the City of Kelowna effective January 2, 2006.

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4. DEVELOPMENT APPLICATIONS

4.1 Rezoning Application No. Z04-0064 – Alfred & Christine Kempf (Pushor Mitchell) – 1276 Teasdale Road (BL9441)

- (a) Planning & Corporate Services report dated June 9, 2005

Moved by Councillor Hobson/Seconded by Councillor Given

R581/06/05/20 THAT Rezoning Application No. Z04-0064 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of a portion of Parcel A (Plan B5620) of Lot 2 Sections 23 and 24 Township 26 O.D.Y.D. Plan 2329 Except Plan H13224 located on Teasdale Road, Kelowna, B.C. from the A1 – Agriculture 1 zone to the A1s – Agriculture 1 with Secondary Suite zone, as per Map “A” attached to the report of Planning & Corporate Services Department dated June 9, 2005 be considered by Council;

AND THAT the zone amending bylaw be forwarded to a Public Hearing for further consideration.

Carried

BYLAW PRESENTED FOR FIRST READING

- (b) Bylaw No. 9441 (Z04-0064) - Alfred & Christine Kempf (Pushor Mitchell) – 1276 Teasdale Road

Moved by Councillor Cannan/Seconded by Councillor Blanleil

R582/05/06/20 THAT Bylaw No. 9441 be read a first time.

Carried

4.2 Text Amendment No. TA05-0004 – Adds ‘Industrial High Technology Research and Product Design’ as a Principle Use in the I4 – Central Industrial Zone (BL9444)

- (a) Planning & Corporate Services report dated June 9, 2005

Moved by Councillor Hobson/Seconded by Councillor Cannan

R583/05/06/20 THAT Zoning Bylaw Text Amendment No. TA05-0004 to amend City of Kelowna Zoning Bylaw No. 8000, Section 2.3.3 – General Definitions to add a definition for Industrial High Technology Research and Product Design and to amend Section 15.4.2 of the I4-Central Industrial Zone to include Industrial High Technology Research and Product Design as a Principal Use be considered by Council;

AND THAT Zoning Bylaw Text Amendment No. TA05-0004 be forwarded to a Public Hearing for further consideration.

Carried

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BYLAW PRESENTED FOR FIRST READING

- (b) Bylaw No. 9444 (TA05-0004) – Zoning Bylaw Amendment – Industrial High Technology Research and Product Design – I4 – Central Industrial Zone

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R584/05/06/20 THAT Bylaw No. 9444 be read a first time.

Carried

4.3 Rezoning Application No. Z04-0078 and OCP Amendment No. OCP04-0021 – Marona Estates Ltd./Vintage Properties (Keith Funk/New Town Planning Services) – 492 Clifton Road (BL9442 and BL9443)

- (a) Planning & Corporate Services report dated June 10, 2005

Councillor Day declared a conflict of interest because direct family members own the subject property and left the Council Chamber at 2:37 p.m.

Staff:

- Page 2 of the staff report erroneously indicates that an agreement has been reached between the applicant and the City regarding the provision of open space. That agreement has not been finalized but will be before the Public Hearing if this application proceeds.
- The issue of density transfer will also be resolved before the Public Hearing.

Moved by Councillor Hobson/Seconded by Councillor Clark

R585/05/06/20 THAT OCP Bylaw Amendment No. OCP04-0021 to amend Map 19.1 of the *Kelowna 2020 - Official Community Plan* Bylaw No. 7600 by changing the Future Land Use designation of Lot 1, Sec. 31 & 32, Twp. 26, ODYD, Plan KAP76392, located on Clifton Road, Kelowna, BC, from the Single/Two Unit Residential designation to the Multiple Unit Residential – Medium Density designation, as shown on Map “A” attached to the report of Planning & Corporate Services Department dated June 10, 2005, be considered by Council;

AND THAT Rezoning Application No. Z04-0078 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, Sec. 31 & 32, Twp. 26, ODYD, Plan KAP76392, located on Clifton Road, Kelowna, BC, from the A1 – Agriculture 1 zone to the RM4 – Transitional Low Density Housing zone be considered by Council;

AND THAT the OCP Bylaw Amendment No. OCP04-0021 and zone amending bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Works & Utilities Department being completed to their satisfaction;

AND FURTHER THAT final adoption of the zone amending bylaw be considered in conjunction with Council's consideration of a Development Permit on the subject property.

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BYLAWS PRESENTED FOR FIRST READING

- (b) Bylaw No. 9442 (OCP04-0021) - Marona Estates Ltd./Vintage Properties (Keith Funk/New Town Planning Services) – 492 Clifton Road **Requires majority vote of Council (5)**

Moved by Councillor Shepherd/Seconded by Councillor Given

R586/05/06/20 THAT Bylaw No. 9442 be read a first time.

Carried

Staff:

- Now that Council has given this OCP amendment first reading, in accordance with the Local Government Act this will confirm that the OCP amendment was considered in conjunction with the City's financial plan and waste management plan and staff have agreed that the application can go forward without affecting either of those two plans.

- (c) Bylaw No. 9443 (Z04-0078) - Marona Estates Ltd./Vintage Properties (Keith Funk/New Town Planning Services) – 492 Clifton Road

Moved by Councillor Given/Seconded by Councillor Horning

R587/05/06/20 THAT Bylaw No. 9443 be read a first time.

Carried

Councillor Day returned to the Council Chamber at 3:03 p.m.

- 4.4 Rezoning Application No. Z01-1063 and OCP01-019 – Luigi Giovanni Russo (Tom Smithwick) – 982 & 1040 Old Vernon Road (BL8832; BL8833)

Staff:

- The new owners intend to use the property for agriculture.

- (a) Planning & Corporate Services report dated June 13, 2005

BYLAW PRESENTED TO RESCIND 2ND & 3RD READINGS AND CLOSE THE FILE

- (b) Bylaw No. 8832 (OCP01-019) – Luigi Russo (Tom Smithwick/Porter Ramsay) – 982 & 1040 Old Vernon Road **requires majority vote of Council (5)**

Moved by Councillor Clark/Seconded by Councillor Shepherd

R588/05/06/20 THAT first, second and third readings given Bylaw No. 8832 (OCP01-0019 – Luigi Russo – 982 & 1040 Old Vernon Road) on April 16, 2002 under Resolution No. R353/02/04/16 and on April 30, 2002 under Resolution No. R390/02/04/30 be rescinded and the file closed.

Carried

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- (c) Bylaw No. 8833 (Z01-1063) – Luigi Russo (Tom Smithwick/Porter Ramsay) – 982 & 1040 Old Vernon Road

Moved by Councillor Clark/Seconded by Councillor Shepherd

R589/05/06/20 THAT first, second and third readings given Bylaw No. 8833 (Z01-1063 - Luigi Russo – 982 & 1040 Old Vernon Road) on April 16, 2002 under Resolution No. R354/02/04/16 and on April 30, 2002 under Resolution No. R391/02/04/30 be rescinded and the file closed.

Carried

4.5 Roads Task Force Option 19 (BL9376; 0540-20)

- (a) Director of Works & Utilities dated June 15, 2005.

Staff:

- The proposed amendment is housekeeping in nature; the previous map showed the new Water/Pandosy connection but did not show the 4-laning of portions of Richter or Pandosy.

Moved by Councillor Day/Seconded by Councillor Hobson

R590/05/06/20 THAT the report dated June 15, 2005 from the Director of Works & Utilities regarding OCP Amending Bylaw No. 9376 be received.

Carried

BYLAW PRESENTED FOR AMENDMENT AT FIRST READING

- (b) Bylaw No. 9376 (OCP05-0005) – An amendment to Map 12.1 – 20 Year Major Road Network and Road Classification Plan

Moved by Councillor Horning/Seconded by Councillor Given

R591/05/06/20 THAT Bylaw No. 9376 (OCP05-0005) be amended at first reading by replacing the 20-Year Road Network Map 12.1 (dated Rev. February 24/05) which incorporates the revised alignment for the future Water/Pandosy road link, with a revised Map 12.1 (dated Rev. June 15/05) that also includes the 4-laning of Richter Street from Sutherland to Bernard and the 4-laning of Pandosy Street from Leon to Sutherland.

Carried

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5. NON-DEVELOPMENT APPLICATION REPORTS

- 5.1 Community Planning Manager, dated June 15, 2005 re: Resolution Recommended by National Housing Policy Options Team (MHPOT) of FCM re Bill C-48 – Affordable Housing (5040-20)

Moved by Councillor Shepherd/Seconded by Councillor Given

R592/05/06/20 THAT the following resolution be endorsed by Kelowna City Council, as drafted by the National Housing Policy Options Team:

WHEREAS in 1999 the Federation of Canadian Municipalities (FCM), its members seeing first hand the depth of misery in their communities due to homelessness and the widespread shortage of decent affordable housing, declared a national state of disaster in housing and homelessness;

AND WHEREAS since that declaration, the situation has not improved significantly, despite the laudable steps taken by the Government of Canada and some Provinces and Territories to engage on this issue;

AND WHEREAS Bill C-48 will earmark \$1.6 billion in new money for affordable housing over two years;

BE IT RESOLVED THAT the City of Kelowna calls on their MPs to allow speedy passage of and vote for Bill C-48;

BE IT FURTHER RESOLVED THAT the City of Kelowna urges the Government of Canada, following passage of Bill-C48, to work with FCM to ensure an efficient and speedy roll-out of the new funding, with the Provinces and Territories wherever possible, and directly with municipalities where Provincial/Territorial involvement is not possible or immediately forthcoming; and

BE IT FURTHER RESOLVED THAT the City of Kelowna urges the Government of Canada to work with FCM to secure an effective long term national housing strategy;

AND THAT a copy of the above resolution be forwarded to Member of Parliament, Werner Schmidt.

Carried

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- 5.2 City Clerk, dated June 15, 2005 re: Appointment of Chief and Deputy Chief Election Officers – November 19, 2005 General Election (4200-08)

Moved by Councillor Horning/Seconded by Councillor Blanleil

R593/05/06/20 THAT Allison Flack be appointed Chief Election Officer and Stephen Fleming be appointed Deputy Chief Election Officer in accordance with Section 41 of the *Local Government Act*, for the purpose of conducting the 2005 general local government election;

AND THAT the Chief Election Officer be authorized to retain such legal counsel as may be required with reference to any matters pertaining to the election;

AND FURTHER THAT the Chief Election Officer be authorized to enter into agreements with School District No. 23 and other local governments as may be beneficial to the voting public and all jurisdictions in connection with the election.

Carried

- 5.3 City Clerk, dated June 15, 2005 re: 2005 General Local Government Elections (BL9440)

Council:

- Staff to pursue have a polling station within Orchard Park mall;
- Staff to ensure that the voters have access to the parking lots, particularly if voting is in a school;
- Staff to provide an opportunity for those who get elected and those who do not to comment on the process;
- Consider budgeting funds to buy advertising for radio media on voting day.
- Staff to investigate and bring back recommendations for moving toward electronic voting for the next civic election.

Moved by Councillor Shepherd/Seconded by Councillor Given

R594/05/06/20 THAT draft 2005 General Local Government Election Bylaw No. 9440, as attached to the report of the City Clerk dated June 15, 2005, be advanced for reading consideration by Council.

Carried

6. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

- 6.1 Bylaw No. 9440 – 2005 General Local Government Election Bylaw

Moved by Councillor Day/Seconded by Councillor Cannan

R595/05/06/20 THAT Bylaw No. 9440 be read a first, second and third time.

Carried

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- 6.2 Bylaw No. 9436 – Amendment No. 6 to Council Remuneration & Expense
Bylaw No. 7547

Moved by Councillor Cannan/Seconded by Councillor Day**R596/05/06/20** THAT Bylaw No. 9436 be adopted.Carried

Councillors Blanleil and Clark opposed.

7. COUNCILLOR ITEMS – Nil.
8. RESOLUTION CLOSING THE MEETING TO THE PUBLIC (3:50 p.m.)

Moved by Councillor Given/Seconded by Councillor Shepherd

R597/05/06/20 THAT this meeting be closed to the public, pursuant to Section 90(1) (e) of the Community Charter for Council to deal with matters relating Land Negotiations;

AND THAT the meeting reconvene in Meeting Room 3.

CarriedCertified Correct:_____
Mayor_____
City Clerk

BLH/am